

IN THE CLAIMS:

Please amend claims 117, 201 and 202, and add new claims 219-225 as set forth in the complete listing of the claims and their status follows. This listing replaces and supercedes all prior claim listings.

Claims 1-116 (cancelled)

117. (currently amended) An apparatus for the distraction and support of tissue surfaces in a given direction, comprising a plurality of elements in cooperative contact forming an expandable structure between said tissue surfaces generally extending in the given direction, said elements each being substantially similarly configured for consecutive individual receipt between said tissue surfaces in a direction generally transverse to said given direction, each of said elements having an entry surface configured to facilitate entry into said expandable structure between said tissue surfaces to thereby expand said structure and distract said tissue surfaces as said elements are consecutively received into said expandable structure.

118. (previously presented) The apparatus of claim 117, wherein each element has an interface, the interfaces of elements in contact being configured to provide said cooperative contact.

119 -120 (canceled)

121. (previously presented) The apparatus of claim 118, wherein said interfaces are configured to provide constrained degrees of cooperative contact.

122 – 124 (canceled)

125. (previously presented) The apparatus of claim 118, wherein said interfaces are generally flat.

126. (previously presented) The apparatus of claim 125, wherein said structure is defined by a plurality of wafers each having said generally flat interfaces, one wafer being disposed atop another wafer to form said structure.

127. (previously presented) The apparatus of claim 117, wherein said tissue surfaces are superior and inferior surfaces of a damaged or diseased vertebral body in a spine, and wherein said elements are configured for consecutive receipt into said vertebral body to form said structure between said superior and inferior surfaces of said vertebral body.

128. (previously presented) The apparatus of claim 117, wherein said tissue surfaces are superior and inferior endplate surfaces of opposing vertebral bodies in a spine, and wherein said elements are configured for consecutive receipt between said vertebral bodies to form said structure between said superior and inferior endplate surfaces of said opposing vertebral bodies.

129. (previously presented) The apparatus of claim 117, wherein said tissue surfaces are surfaces of a damaged or fractured tibia, and wherein said elements are configured for consecutive receipt between said surfaces to form said structure between such surfaces.

Claims 130-200 (cancelled)

201. (currently amended) The apparatus of claim 218 wherein each of said plurality of elements is a wafer having a length and a width of substantially the entire wafer and further wherein said bottom-most wafer in said structure has a length larger than at least one other wafer in said structure.

202. (currently amended) The apparatus of claim 218 wherein each of said plurality of elements is a wafer having a length and a width of substantially the entire wafer and further wherein said top-most wafer in said structure has a length larger than at least one other wafer in said structure.

203. (previously presented) The apparatus of claim 202 wherein said wafer defining said bottom-most wafer in said structure has a length larger than at least one other wafer in said structure.

204. (previously presented) The apparatus of claim 121, wherein said interfaces define complementary ridges and grooves.

205. (withdrawn) A method for distracting in a given direction and permanently supporting two subcutaneous body tissue surfaces comprising consecutively individually introducing a plurality of elements in contact with each other between the tissue surfaces to form an expandable structure therein that expands at least in the given direction and distracts such tissue surfaces in the given direction as elements are consecutively introduced.

206. (withdrawn) The method of claim 205 wherein said elements are introduced by moving at least one element to a different position upon introduction of a subsequent element.

207. (withdrawn) The method of claim 206 wherein said at least one element is moved by contacting a surface thereof with a surface of said subsequent element.

208. (withdrawn) The method of claim 207 wherein the introducing step includes the step of placing an elongated access channel in communication with a space between said tissue surfaces and introducing the elements through said channel.

209. (withdrawn) The method of claim 208, further including the step of providing a bone filler in contact with the elements.

210. (withdrawn) The method of claim 207 wherein said elements are wafers, said wafers being introduced between said tissue surfaces by stacking one wafer atop another wafer.

211. (withdrawn) The method of claim 205, wherein said elements are introduced by sliding one element along a surface of another element.

212. (withdrawn) The method of claim 205, further including the step of providing an outer member and introducing said elements into said member.

213. (withdrawn) The method of claim 205, wherein said elements have arcuate contact surfaces.

214. (withdrawn) The method of claim 205, wherein said elements have generally flat contact surfaces.

215. (withdrawn) The method of claim 205, wherein said tissue surfaces are superior and inferior surfaces of a damaged or diseased vertebral body in a spine, and wherein the elements are consecutively inserted into the vertebral body to distract said superior and inferior surfaces until the normal height of the vertebral body is substantially attained.

216. (withdrawn) The method of claim 205, wherein said tissue surfaces are superior and inferior endplate surfaces of opposing vertebral bodies in a spine, and wherein the elements are consecutively inserted between said vertebral bodies to distract said opposing superior and inferior endplate surfaces until stability of the vertebral bodies is substantially achieved.

217. (previously presented) The apparatus of claim 117, further including a top-most element and a bottom-most element, said plurality of elements being disposed between said top-most element and said bottom-most element.

218. (previously presented) The apparatus of claim 217, wherein one of said top-most element and said bottom-most element is configured differently than said elements in said plurality of elements.

219. (new) The apparatus of claim 117, wherein said entry surface is angled relative to the transverse direction.

220. (new) The apparatus of claim 117, wherein said expandable structure further includes a constraining element for limiting movement of said elements relative to each other at least in said transverse direction.

221. (new) The apparatus of claim 117, wherein said expandable structure further includes a constraining element for limiting movement of said elements relative to each other at least in said given direction.

222. (new) The apparatus of claim 117, wherein said expandable structure further includes a constraining element for limiting movement of said elements relative to each other at least in said transverse direction and said given direction.

223. (new) The apparatus of claim 220, wherein said constraining element is on one or more of said elements.

224. (new) The apparatus of claim 220, wherein said constraining element is integral with at least one of said elements.

225. (new) The apparatus of claim 117, wherein said expandable structure further includes an outer member disposed exteriorly of said plurality of elements.